IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3942 OF 2005

Bashirbhai alias Bhaijan
Mohd.Bhai. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Ms.Rajini Rao i/by Shri Mihir Desai for the Applicant.

Shri U.V.Nikam, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 8th July, 2005.

P.C.:

1. The offence alleged against the Applicant is under section 379, 420, and 471 of the Indian Penal Code. The investigation is still incomplete. Considering the case of the prosecution the Applicant cannot be enlarged on bail when investigation is incomplete. The learned A.P.P. on instructions of the concerned Officer states that after completing investigation the charge sheet will be filed within a period of 15 days from today.

2. As the investigation is still in progress and charge sheet will be filed within a period of 15 days from today, this Application is not entertained.

3. Hence the Application is rejected. It is made clear that after a period of 15 days from today, the Applicant will be at liberty to file fresh application for bail

before the Sessions Judge. The Application will be considered on its own merits even if charge sheet is not filed within a period of 15 days from today.

4. Parties and the concerned Court to act on an authenticated copy of this order.

Judge.